

INTRODUCTION

Sunrise Coal, LLC (Sunrise Coal) has coverage, and is authorized to discharge, under two separate National Pollutant Discharge Elimination System (NPDES) permits. The two permits are outlined in **Table 1**.

**Table 1. NPDES PERMITS
SUNRISE COAL, LLC
Carlisle, Indiana**

Permit Type	Permit No.	Permit coverage	Comments
General P permit	ING040199 Rule 7 327 IAC 15-7	Wastewater from the Sunrise Coal coal processing plant (CPP), contact storm water runoff from the facility, and runoff from reclamation areas.	The general permit addresses wastewater and storm water from the site and applies technology based effluent limitations.
Individual permit	IN0062791	Mine dewatering	Mine dewatering is specifically covered under the individual permit to address water quality based effluent limitations for sulfate and chlorides, as well as the technology based effluent limitations included in the general permit.

The individual permit was originally issued with a single outfall, 001. The permit was intended to authorize only water discharged from the mine. The mine water was to be treated in a sedimentation pond/sump to meet the technology-based effluent limits. The treated mine water was then to be pumped to a mixing tank for flow augmentation as allowed under 327 Indiana Administrative Code (IAC)– 5 – 5 -2(d). Flow augmentation and mixing were intended to occur in a mixing tank. After mixing, the facility would be required to monitor, sample, and meet the water quality standards for chloride and sulfate as outlined in the individual permit.

Table 2 provides a description of each outfall/associated pond at the Sunrise Coal facility and the permit under which it was originally permitted.

Table 2. OUTFALLS/PONDS AS ORIGINALLY PERMITTED IN THE INDIVIDUAL AND GENERAL NPDES PERMITS**Sunrise Coal, LLC****Carlisle, Indiana**

Outfall No. (Permit) Associated Pond	Type of Discharge	New Source Status (Undetermined, Acid, Alkaline)	Comments
001 (individual permit IN0062791) Sump (no pond)	Mine water only	Acid	Outfall 001 was to be constructed 3 miles west of the main mine portal located at the facility. The mine water treatment system was to include a sedimentation sump followed by flow augmentation in a mixing tank to meet water quality standards for chloride and sulfate only.
001 (general permit ING040199*) Pond D	Surface runoff from facility – undetermined new source status	Undetermined	Runoff from site to be collected in Pond D and discharged through outfall 001.*
002 (general permit ING040199*) Pond C	Surface runoff from facility – undetermined new source status	Undetermined	Runoff from site to be collected in Pond C and discharged through outfall 002.*
003 (general permit ING040199) Pond 1	Surface runoff from slurry impoundment – undetermined new source status	Undetermined	Runoff from slurry impoundment to be collected in Pond 1 and discharged through outfall 003.
004 (general permit ING040199) Pond 2	Surface runoff from North Portal site – undetermined new source status	Undetermined	Runoff from North Portal to be collected in Pond 2 and discharged through outfall 004.
*See Attachment 1 for aerial view of ponds/outfalls.			

In May 2012, Sunrise Coal reported to the Indiana Department of Environmental Management (IDEM) that it had never constructed, or ever put into service individual permit outfall 001, which was to have been constructed approximately 3 miles west of the main portal, as outlined in the individual permit (i.e., individual permit 001). In lieu of using individual permit outfall 001 as specified in the individual permit, Sunrise Coal pumped mine dewatering waste water from the main portal to a drainage ditch at the facility known as “the lazy river.” The drainage ditch routed mine water eventually to Pond C, where it mixed with runoff from the site and discharged through general permit outfall 002, which was authorized under the general permit (i.e., general permit 002).

IDEM and Sunrise Coal entered into an “Agreed Order” on November, 19, 2012 (**Attachment 2**). The Agreed Order documented Sunrise Coal’s non-compliance with the individual permit. The Agreed Order also required Sunrise Coal to submit a compliance plan in which the facility was to outline the actions it would take to properly permit, treat, and discharge its mine dewatering waste water. The compliance plan also included an implementation and completion schedule.

Sunrise Coal submitted the compliance Plan on March 19, 2013, and IDEM approved it (**Attachment 3**). In the plan, Sunrise Coal proposed to continue sending mine water to the existing ditch at the main site, send that water to Pond C, and have the ability to discharge the mine water through general permit outfall 001 (actually general permit outfall 002). The individual permit would be modified to incorporate the outfall (general permit outfall 002) and that outfall would be removed from the general permit. However, the outfall referred to as 001 in the compliance plan was actually general permit outfall 002. This appears to be the first time the outfalls and their designated labels were mistakenly switched.

On July 1, 2014, IDEM modified the individual permit to include Pond C and outfall 001 (actually general permit outfall 002) from the general permit (see **Appendix C** of the inspection report). The outfall was renamed, in the individual permit, from 001 (although it was actually general permit outfall 002) to 005. The facility wanted to retain the original individual permit outfall 001 for future use if needed.

On August 7, 2015, Sunrise Coal submitted to IDEM a Notice of Intent to continue coverage under the general permit and remove Pond C and outfall 001 (actually 002) from the general permit since outfall 001 had been incorporated into the individual permit. During that review, it was discovered that the original general permit outfall 002 was now mistakenly being referred to as individual permit outfall 001 and had been incorporated into the individual permit as outfall 005, which was authorized to discharge mine dewatering waste water. Also as a result, the original, general permit outfall 001 was now referred to as outfall 002. IDEM summarized the situation in a letter to the facility dated November 16, 2015 (**Attachment 4**). The letter describes a remedy to the situation: remove outfall general permit 002 (mistakenly referenced as individual permit 001) from the general permit because it was now monitored under the individual permit as outfall 005 and Pond C. The original general permit outfall 001 and Pond D under the general permit, (referenced as general permit outfall 002) would remain in the general permit but would be renamed general permit outfall 202.

In addition to eliminating general permit outfall 002 from the general permit and renaming general permit outfall 001 as general permit outfall 202, Sunrise Coal never designated the new source discharges from any of the outfalls as acid or alkaline. The new source discharges remained as undetermined since 2005, when they were originally covered under the general permit. IDEM made the determination in the November 16, 2015, letter designating outfalls 202 and 004 as alkaline and outfall 003 as acid.

ATTACHMENT 1

1466 E State Rd 58 - Google Maps



1466 E State Rd 58
1466 E State Rd 58, Carlisle, IN 47838

IND Permit - OUTFALL 001 (MINE H2O) Never Constructed



OUTFALL 003 - SLURRY IMPOUNDMENT G.P.
OUTFALL 004 - NORTH PORTAL G.P.

<https://www.google.com/maps/place/1466+E+State+Rd+58,+Carlisle,+IN+47838/@38.0416,6.717016>

ATTACHMENT 2

VP1179-31



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

November 19, 2012

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

VIA CERTIFIED MAIL

91 7190 0005 2710 0024 5748

Scott Gambill, Mine Engineer
Sunrise Coal, LLC
1183 East Canvasback Drive
Terre Haute, IN 47802

Dear Mr. Gambill:

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.
Sunrise Coal, LLC
Case No. 2012-21157-W
NPDES Permit No. ING040199 &
NPDES Permit No. IN0062791
Carlisle, Sullivan County

This is to inform you that the Agreed Order in the above-referenced case has been approved and adopted by the Indiana Department of Environmental Management. A copy of the Agreed Order is enclosed.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon your receipt of this correspondence. Therefore, pursuant to Order Paragraph 3, the Compliance Plan is required to be developed and submitted to IDEM for approval within 30 days of your receipt of this correspondence. If you have any questions, please contact Terry Ressler, case manager, at (317)232-8433. Thank you for your cooperation in this matter.

Sincerely,

Mary E. Hollingsworth, Branch Chief
Surface Water, Operations & Enforcement Branch
Office of Water Quality

Enclosure

cc: Sullivan County Health Department



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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STATE OF INDIANA) SS: BEFORE THE INDIANA DEPARTMENT OF
COUNTY OF MARION) ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,

Complainant,

v.

SUNRISE COAL, LLC,

Respondent.

Case No. 2012-21157-W

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code (IC) 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner (Complainant) of the Indiana Department of Environmental Management (IDEM), a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is Sunrise Coal, LLC (Respondent), which owns and operates the Sunrise Coal, LLC – Carlisle Mine, an underground coal mine that is located at 1466 East State Road 58, Carlisle, Sullivan County, Indiana (the Site).

Sunrise Coal, LLC
Case No. 2012-21157-W
NPDES Permit No. ING040199, and
NPDES Permit No. IN0062791
Page No. 2

3. IDEM has jurisdiction over the parties and the subject matter of this action pursuant to IC 13-30-3.
4. Respondent waives issuance of a Notice of Violation and to the settlement period of sixty (60) days as provided for by IC 13-30-3-3.
5. Respondent is authorized by National Pollutant Discharge Elimination System (NPDES) General Permit No. ING040199 (the General Permit). The General Permit as first issued on October 15, 2004, authorized Respondent to discharge storm water runoff and underground mine water pump discharge from its underground mining project which utilizes sedimentation basin treatment for pit dewatering and surface run-off. The receiving stream from Pond A (Discharge Number 001) and Pond C (Discharge Number 002) is an un-named tributary to Marsh Creek.

The General Permit was modified on April 16, 2009, to include coverage for the discharge from a sedimentation pond to collect surface precipitation run-off from topsoil and subsoil stockpiles and a coal fine refuse disposal facility through new Outfall 003. The receiving stream for Outfall 003 is Marsh Creek.

The General Permit was renewed on September 15, 2009. The Notice of Intent (NOI) submitted by Respondent for the General Permit renewal described the active Outfalls 001 and 002, as serving as sedimentation ponds collecting surface precipitation run-off from mine surface facilities including topsoil and subsoil stockpiles, clean and raw coal stockpiles, coarse refuse disposal pile, parking and building facilities, and fine refuse disposal impoundment. The NOI described that Outfall 003 would serve as a sedimentation pond to collect surface precipitation run-off from topsoil and subsoil stockpiles and a coal fine refuse disposal facility.

The General Permit was modified on March 15, 2010, to include coverage for the discharge from a sedimentation pond to collect surficial precipitation run-off from a topsoil stockpile, parking area, supply storage yard, hoist, and office building through new Outfall 004. The General Permit was modified on August 16, 2010, to approve activation of the new Outfall 004.

6. Respondent is authorized by NPDES Permit No. IN0062791 (the Individual Permit) to discharge mine water from its underground coal mine from Outfall 001 to receiving waters named Busseron Creek in accordance with the terms and conditions of the Individual Permit. The Individual Permit was issued on April 30, 2007.

NPDES Form 2C of Respondent's application for the Individual Permit indicates that tests of water from the exploration drillholes have shown total chloride levels ranging between 2400 mg/l and 2800 mg/l. The samples were taken in March 2006. These levels are above the maximum discharge limits set in 327 IAC 2-1-6(a)(3) Table 6-1 of

Sunrise Coal, LLC
Case No. 2012-21157-W
NPDES Permit No. ING040199, and
NPDES Permit No. IN0062791
Page No. 3

860 mg/l. Respondent indicated that there is no practical method to remove the excess chloride levels from the anticipated amounts of water to be pumped from the underground coal mine. The permitted mine discharge points are located on very small streams that are dry in excess of 90 percent of the time. The mine operator's only option for discharge of the wastewater to be pumped from the mine is to pump this water to Busseron Creek located approximately 3 miles to the west of the mine portal. Respondent goes on to explain how the water from the underground coal mine will be pumped and placed in a holding sump, solids and any diesel fuel, oil and/or grease will be removed, and the water will be treated with approved chemicals to meet NPDES discharge standards. Then the clarified water will be pumped to a mixing tank where it will be diluted with low chloride content water from a freshwater supply well to dilute the chloride content to an acceptable discharge level, then the diluted mine water will be pumped via a discharge pipe to Busseron Creek at new wastewater discharge 001.

The Individual Permit was renewed on February 10, 2012. In the Permit Compliance history section of the Permit Briefing Memo, IDEM staff noted that there were no current or pending enforcement actions regarding the Individual Permit, however the Permit Briefing Memo noted that there had been no discharge reported for at least the previous three years.

7. In May of 2012, Respondent reported to IDEM that it has not yet constructed the discharge pipe to Busseron Creek and therefore has not discharged any water via Outfall 001 of the Individual Permit. Respondent reported that it has continued to pump storm water runoff and underground mine water pump discharge from its underground mining project to its sedimentation basins and sedimentation ponds that are authorized to discharge by the General Permit.
8. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective (Effective Date) when it is adopted by Complainant or Complainant's delegate (as evidenced by signature), and the adopted Agreed Order has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with the rules and permit conditions listed in the findings above at issue.

Sunrise Coal, LLC
Case No. 2012-21157-W
NPDES Permit No. ING040199, and
NPDES Permit No. IN0062791
Page No. 4

3. Within 30 days of the Effective Date, Respondent shall develop and submit to IDEM for approval a Compliance Plan (CP) which identifies actions that Respondent will take to properly permit, treat, and discharge its mine dewatering wastewater.

The CP shall include an implementation and completion schedule, including specific milestone dates.

4. The CP required by Paragraph 3 is subject to IDEM approval. In the event IDEM determines that the CP submitted by Respondent is deficient or otherwise unacceptable, Respondent shall revise and resubmit the CP to IDEM in accordance with IDEM's notice. After three submissions of such CP by Respondent, IDEM may modify and approve the CP and Respondent must implement the CP as modified by IDEM.

Respondent, upon receipt of written notification from IDEM, shall immediately implement the approved CP and adhere to the milestone dates therein. The approved CP shall be incorporated into the Agreed Order and shall be deemed an enforceable part thereof. Failure by Respondent to submit any required revised CP by the specified date, or to meet any of the milestones in the approved CP, will subject Respondent to stipulated penalties as described below. Failure to achieve compliance at the conclusion of work under the CP will subject Respondent to additional enforcement action.

5. Respondent shall submit to IDEM a written report of progress or completion for each milestone date included in the CP, within 10 days of completion of each milestone.
6. Beginning on the Effective Date and continuing until the successful completion of implementation of the approved CP as required by Paragraph 5 above, Respondent shall, at all times, operate its existing wastewater treatment facilities as efficiently and effectively as possible.
7. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Terry Ressler, Enforcement Case Manager
Indiana Department of Environmental Management
Surface Water, Operations & Enforcement Branch
Office of Water Quality – Mail Code 60-02W
100 North Senate Avenue, Room 1255
Indianapolis, IN 46204-2251

8. In the event the terms and conditions of the following paragraphs are violated, IDEM may assess and Respondent shall pay the corresponding stipulated penalty:

Sunrise Coal, LLC
Case No. 2012-21157-W
NPDES Permit No. ING040199, and
NPDES Permit No. IN0062791
Page No. 5

<u>Paragraph</u>	<u>Violation</u>	<u>Stipulated Penalty</u>
3, 4	Failure to submit or modify the CP within the required time period.	\$500 per week late, or part thereof.
3	Failure to meet any milestone date set forth in the approved CP.	\$500 per week late, or part thereof.
5	Failure to submit a written report of progress or completion for each milestone date included in the CP within 10 days of completion of each milestone	\$500 per week late, or part thereof.

9. Stipulated penalties shall be due and payable no later than the 30th day after Respondent receives written notice that IDEM has determined a stipulated penalty is due; the 30th day being a "Due Date." IDEM may notify Respondent at any time that a stipulated penalty is due. Failure to notify Respondent in writing in a timely manner of a stipulated penalty assessment shall not waive IDEM's right to collect such stipulated penalty or preclude IDEM from seeking additional relief against Respondent for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude IDEM from seeking additional relief against Respondent for a violation of this Agreed Order. Such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4.
10. Civil and stipulated penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Cashier – Mail Code 50-10C
100 North Senate Avenue
Indianapolis, IN 46204-2251
11. This Agreed Order shall apply to and be binding upon Respondent and its successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
12. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance and any accrued interest at the rate established by IC 24-4.6-1-102. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays

Sunrise Coal, LLC
Case No. 2012-21157-W
NPDES Permit No. ING040199, and
NPDES Permit No. IN0062791
Page No. 6

any unpaid balance. The interest shall continue to accrue on the first of each month until the civil penalty and any interest accrued are paid in full. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified above.

13. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
14. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
15. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of its obligation to comply with the requirements of its applicable permits or any applicable Federal or State law or regulation.
16. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
17. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the NOV.
18. Nothing in this Agreed Order shall prevent IDEM [or anyone acting on its behalf] from communicating with the EPA or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the EPA or any other agency or entity.
19. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of Order Paragraph Nos. 3 through 10 and IDEM issues a Resolution of Case (close out) letter.

Sunrise Coal, LLC
Case No. 2012-21157-W
NPDES Permit No. ING040199, and
NPDES Permit No. IN0062791
Page No. 7

Respondent is required to notify IDEM in writing, at the address specified in Paragraph 7 above, of the date on which all of the terms and conditions of this Agreed Order have been met. While the Respondent may be required to provide updates to IDEM concerning the completion of individual terms and conditions, Respondent must provide IDEM with a written response identifying the specific date upon which all terms and conditions have been met that will be the last date of effectiveness for this Agreed Order.

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Sunrise Coal, LLC
Case No. 2012-21157-W
NPDES Permit No. ING040199, and
NPDES Permit No. IN0062791
Page No. 8

TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: Mary E. Hollingsworth
Mary E. Hollingsworth, Branch Chief
Surface Water, Operations and
Enforcement Branch
Office of Water Quality

Date: October 15, 2012

RESPONDENT:
Sunrise Coal, LLC

By: Scott A. Gambill

Printed: SCOTT A. GAMBILL

Title: MINE ENGINEER

Date: 11/06/12

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS 17 DAY OF November, 20 12.

For the Commissioner:

Bruno Pigott
Bruno Pigott
Assistant Commissioner
Office of Water Quality

ATTACHMENT 3

VP1179-30



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.**Michael R. Pence*
Governor*Thomas W. Easterly*
Commissioner

March 19, 2013

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8803
Toll Free (800) 451-6027
www.Idem.IN.govScott Gambill, Mine Engineer
Sunrise Coal, LLC
1183 East Canvasback Drive
Terre Haute, IN 47802

Dear Mr. Gambill:

Re: Compliance Plan Approval
Sunrise Coal, LLC
Agreed Order, Case No. 2012-21157-W
NPDES Permit No. ING040199 &
NPDES Permit No. IN0062791
Carlisle, Sullivan County

This letter is in response to the Compliance Plan (CP) that was initially submitted for Sunrise Coal, LLC on December 12, 2012, and was resubmitted with revisions on March 12, 2013 (dated February 26, 2013), pursuant to Order Paragraph 3 of the above referenced Agreed Order. IDEM hereby approves the CP (copy enclosed), which identifies the actions that the Sunrise Coal, LLC will take to properly permit, treat, and discharge its mine dewatering wastewater.

It is noted that upon issuance of the modifications to the above noted individual and general permits by IDEM outlined in the CP, it is expected that the requirements of the Agreed Order will be considered fulfilled and the Agreed Order will be able to be closed out.

Please ensure that written reports of progress or completion for each task included in the CP are submitted to IDEM within 10 days of completion of each task as required by Order Paragraph 5. You are no doubt familiar with the other terms of compliance contained in the Agreed Order. If you have any questions concerning the Compliance Plan or the Agreed Order, please contact Terry Ressler, case manager, at 317/232-8433. Thank you for your cooperation in this matter.

Sincerely,

Mary E. Hollingsworth, Branch Chief
Surface Water, Operations and
Enforcement Branch
Office of Water Quality

cc: Sullivan County Health Department

IDEM
OFFICE OF
WATER QUALITY

2013 MAR 12 A H: 30

Terry Ressler, Enforcement Case Manager
Indiana Department of Environmental Management
Surface Water, Operations & Enforcement Branch
Office of Water Quality – Mail Code 60-02W
100 North Senate Avenue, Room 1255
Indianapolis, IN 46204-2251

February 26, 2013

Re: NPDES Permit Nos. ING040199 & IN0062791 - Agreed Order Compliance Plan (CP)

Mr. Ressler,

In response to the Agreed Order for NPDES Permit Numbers ING040199 & IN0062791, Sunrise Coal is presenting our Compliance Plan (CP). This Plan is developed to provide both the most expedient resolution as well as explain our long-term compliance plan (CP) as we continue to mine in the westerly direction. This CP, both immediate and long-term, is based on the PELs, developed by your agency, for the potential Underground Mine Water Discharge into Burger (Berger) Ditch, an unnamed tributary to Marsh Creek, or Busseron Creek (reference Attachment A for established PELs).

** The immediate plan is very simple in that it involves submitting a modification to our existing IN0062791 Permit to add an Outfall (005) to discharge to Burger (Berger) Ditch. Our Carlisle Mine already has a general permit (ING040199) that includes an Outfall (001) that discharges to Burger (Berger) Ditch. After consultation with your agency, we will modify our General Permit No. (ING040199) to remove Outfall (001) and add an Outfall (005) to our existing Individual Permit to include all existing surface water and underground mine water to be discharged in Burger (Berger) Ditch.

With this plan, our current processes will change only slightly. The most significant change will include recycling the underground mine water through the washing process (wash plant). This process change will decrease the volume of underground mine water to Pond C. As a result of this process change, our water quality prior to entering Pond C and thusly entering Burger (Berger) Ditch will improve.

Long-term compliance will include the discharge of Underground Mine Water to Busseron Creek. However, since our mining operations are going to the west, we plan to wait until we have reached a closer proximity underground to Busseron Creek. We will then pump the underground mine water to a new surface area which will include a mixing pond. This structure will serve as the storage and mixing reservoir for the mine water and freshwater. The mixed water will then be discharged to Busseron Creek. This will be similar to our current

Individual Permit No. IN0062791. The only significant difference will be the location of the mine sump/storage reservoir being located in closer proximity to the discharge point. The timing of this new surface area and subsequent discharge to Busseron Creek will be dependent upon how long it takes for our underground mining operations to be in the vicinity of the Busseron Creek. At this time, we estimate that to be sometime in the 2014 calendar year.

Below, for your review and approval, are the Milestones and their associated Target Dates.

Milestone

Submit request to modify IN0062791 to Discharge Underground Mine Water to Berger Ditch (Outfall 005)**

Submit request to modification IN0040199 to remove Outfall 001 (this will now be Outfall 005 in IN0062791)**

Begin to Discharge Underground Mine Water, under individual permit (IN0062791) to Berger Ditch (now Outfall 005)**

Submit notification to permits branch when discharge occurs to Busseron Creek**

Target Date

90 Days after (CP) Approval

Immediately after above permit is modified**

begins on effective date of permit modification**

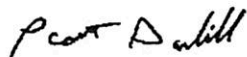
2014-2015*

* This date is based on our mining operations. We are starting to mine to the west and will head under US 41. This will allow us to develop an improved pipeline route and bring our underground mine water to the surface in closer proximity to Busseron Creek.

** Changes to the Compliance Plan (CP) reflect revisions based on IDEM, NPDES Permit Section, recommendations.

Your prompt review and response would be greatly appreciated. If you have any questions or require additional information please contact me at 812-398-2200 ex. 109 or by email at sgambill@sunrisecoal.com. Thank you for your assistance with this matter.

Respectfully Submitted,



Scott Gambill
Mine Engineer
Sunrise Coal, LLC

ATTACHMENT 4



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
GovernorCarol S. Comer
CommissionerVIA ELECTRONIC MAIL

November 16, 2015

Mr. Brent K. Bilsland, President
Sunrise Coal, LLC
1183 E. Canvasback Drive
Terre Haute, Indiana 47802

Dear Mr. Bilsland:

Re: NPDES General Permit No. ING040199
IDNR Permit No. U-028
Sunrise Coal Carlisle Mine
1466 East State Road 58
Carlisle, Indiana
Sullivan County

Your NPDES permit Notice of Intent letter received on August 7, 2015, and revised via email on October 23, 2015, requesting modification of the above-referenced general permit coverage, has been reviewed. In these submittals Mr. Jacob Gennicks, on your behalf, has requested the following changes to Sunrise Coal, LLC's coverage for this site:

Outfall 002 (latitude 38°, 56', 24", longitude -87°, 24', 00", discharging to an unnamed tributary to Marsh Creek), is to be removed from coverage. This discharge point is now being monitored as existing Outfall 005 under NPDES individual permit IN0062791, and so monitoring under the general permit is not necessary; and

Outfall 001 (latitude 38°, 56', 25", longitude -87°, 23', 14" discharging to an unnamed tributary to Marsh Creek), is to be renamed and will henceforth be known as Outfall 202.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. We have been in contact with Mr. Gennicks and with representatives of the IDNR in Jasonville, Indiana in order to explain inconsistencies between the original request and IDEM's current information of record regarding these discharge points. It was discovered that sometime after 2009 the outfall originally identified via locational coordinates and maps by Sunrise Coal as Outfall 001 was switched by Sunrise Coal with the outfall originally identified as Outfall 002. However this was done unintentionally and so the change was never reported to IDEM. This means that all of the DMR and MMR data reported after this switch was made that was attributed to Outfall 001 actually should have been attributed to Outfall 002, and vice versa. This also means that we cannot simply drop from coverage the

Mr. Brent K. Bilsland, President
Page 2

outfall that is now being monitored as Outfall 005 in the site's individual permit as using either number would result in either IDEM or Sunrise Coal having two different data streams and records for the same discharge location. It has been determined that the only way to correct the situation without further damage to historical data and the ongoing data stream, is to drop the outfall that was originally identified as Outfall 002 and to re-name the other outfall, currently identified by IDEM as Outfall 001, and by Sunrise as Outfall 002. The amended request, received by this office on October 23, 2015, meets these requirements. Therefore our office concurs that it may be granted.

The discussions between IDEM and the IDNR also included the mine drainage status of the outfalls at this site. All outfalls at the site have been listed as Undetermined since the site obtained its original coverage under this permit in 2005. However, an Undetermined mine drainage status is intended to apply only until sufficient monitoring data from the site has been collected to determine whether the discharge is acidic or alkaline. As such the outfalls at Sunrise Coal LLC's Carlisle Mine site need to be updated. Original paperwork from Sunrise Coal dating back to that time indicated that the first two outfalls at the site, 001 and 002, were considered acidic. In our discussions with the IDNR on this request we learned that this was no longer the case, and that **with the exception of existing Outfall 003, which may still need to be monitored as acidic, all could be assigned an alkaline mine drainage status.** Therefore **we are incorporating this necessary update into this modification.** Coverage for the facility will now include all outfalls as listed on the first table of Attachment 1 to this correspondence. New DMR and MMR forms will be sent to you as is necessary to reflect the changed monitoring requirements.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/cleanwater/2396.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at (317) 232-8670.

These modifications will be deemed effective on **November 1, 2015**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **November 30, 2019**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the

Mr. Brent K. Bilsland, President
Page 3

Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/
Attachment

cc: Sullivan County Health Department
THuff@dnr.in.gov
JPeltier@dnr.in.gov

ATTACHMENT 1

Sunrise Coal Carlisle MineNPDES PERMIT NO. ING040199IDNR PERMIT NUMBER U-028, U-028-2EFFECTIVE DATE: **November 1, 2015**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
<u>202**</u>	U-028 001	38°, 56', 25"	87°, 23', 14"	<u>ALKALINE</u>	Unnamed tributary to Marsh Creek
003	U-028-2 003	38°, 56', 34"	87°, 22', 09"	<u>ACID</u>	Marsh Creek
004	U-028 004	39°, 00', 06"	87°, 23', 49"	<u>ALKALINE</u>	Unnamed tributary to Middle Fork Creek

** Existing Outfall 001 renamed and will henceforth be identified as Outfall 005. See letter.

The following outfall has been removed and is no longer covered under this permit:

002	U-028 002	38°, 56', 24"	87°, 24', 00"	<u>ALKALINE</u>	Unnamed tributary to Marsh Creek
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**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2015 – 11D -GP

DATE OF NOTICE: November 16, 2015

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

SUNRISE COAL – CARLISLE MINE, Permit No. ING040199, SULLIVAN COUNTY, Carlisle, IN. This modification is being issued because the facility is adding 1 outfall, deleting 2 outfalls and changing mine drainage status on 3 others which will discharge to an unnamed tributary to Marsh Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, IN 46204-2251

June 23, 2015

Re: NPDES General Permit No. ING040199 – Application for Deletion of Outfall 001

To Whom It May Concern:

Please find enclosed one copy of the application to delete and discontinue monitoring of Outfall 001, NPDES General Permit No. ING040199, as well as \$50.00 to cover the application fee. This submittal seeks to remove Outfall 001 from monitoring status as the same outfall is currently being monitored under Outfall 005 of our previously approved Individual Permit No. IN0062791. Monitoring of this outfall will continue through our Individual Permit.

If you have any questions or require additional information please contact me by phone at 812-398-2200 ex. 113 or by email at jgennicks@sunrisecoal.com. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob Gennicks". The signature is fluid and cursive, with a large initial "J" and a stylized "G".

Jacob Gennicks, P.E.
Mine Engineer
Sunrise Coal, LLC

Enclosure



Indiana Department of Environmental Management
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
 327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040199	Deletion and Removal of Outfall 002 from Permit Renaming of Outfall 001 to Outfall 202

II. GENERAL INFORMATION									
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.									
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER	
Jacob Gennicks				1222		Sullivan		U-28	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME				Latitude			Longitude		
Sunrise Coal, LLC									
STREET ADDRESS				degree	minute	second	degree	minute	second
1183 E Canvasback Drive									
CITY		STATE	ZIP CODE						
Terre Haute		IN	47802	38	56	36	87	23	32
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
				Township		Range		Section	
CARLISLE MINE				6N		9W		22	
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS				STREET ADDRESS					
1466 E SR 58									
CITY		STATE	ZIP CODE	CITY		STATE		ZIP CODE	
Carlisle		IN	47838						

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is Authorized to be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Brent K. Bilsland, President	Jacob Gennicks, P.E.
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812.299.2800 ext. 202	812.398.2200 ext. 113
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
bbilsland@sunrisecoal.com	jgennicks@sunrisecoal.com

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Sunrise Coal, LLC	
a. <u>CONTACT TELEPHONE NUMBER</u> 812.398.2200		d. <u>STREET ADDRESS</u> 1466 E SR 58	
b. <u>CONTACT EMAIL ADDRESS</u> jgennicks@sunrisecoal.com		e. <u>CITY</u> Carlisle	f. <u>STATE</u> IN
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		g. <u>ZIP CODE</u> 47838	
		i. <u>COMPANY AND CONTACT PERSON NAME</u> Sunrise Coal, LLC	
h. <u>CONTACT TELEPHONE NUMBER</u> 812.299.2800		k. <u>STREET ADDRESS</u> 1183 E Canvasback Dr	
i. <u>CONTACT EMAIL ADDRESS</u> dbradbury@sunrisecoal.com		l. <u>CITY</u> Terre Haute	m. <u>STATE</u> IN
		n. <u>ZIP CODE</u> 47802	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u>	
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>	
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u>
		u. <u>ZIP CODE</u>	

V. RULE QUALIFICATION:
The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.
Does this facility meet these requirements? (please check one) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.
The Applicant wishes to delete and discontinue monitoring of Outfall 002 under NPDES General Permit No. ING040199. The same Outfall is currently being monitored monthly under a separately approved Individual Permit No. IN0062791, labeled as Outfall 005 under that permit.
Also, the applicant wishes to rename Outfall 001 of the same permit from Outfall 001 to Outfall 202. This modification is proposed to clarify monthly monitoring on site.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS										
a. DNR OUTFALL NO.	b. LATITUDE			c. LONGITUDE			d. DRY WEATHER BASE FLOW	e. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	f. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
	deg.	min.	sec.	deg.	min.	sec.				
001A	38	56	25	87	23	14	0	Active	Y/N	Tributary to Marsh Creek
002A	38	56	24	87	24	00	0	Active	Y/N	Tributary to Marsh Creek
003A	38	56	34	87	22	09	0	Active	Y/N	Marsh Creek
004A	39	00	06	87	23	49	0	Active	Y/N	Tributary to Middle Fork Creek
									Y/N	
									Y/N	
									Y/N	
									Y/N	
									Y/N	

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR basin and outfall NO.	c. DEL, ADD, CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
001A	Pond D	Change		Please See Part V Above.
002A	Pond C	Delete		Please See Part V Above.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center - North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50, attach to and submit with application.

Checks or money orders shall be made payable to IDEM.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Jayne Peltier,

8/4/2015

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Brent K. Bilsland, President

812.299.2800

Name and official title (type or print)

Area Code and phone No.

Signature

Date signed

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

